

AUG 15 2011

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

HECTOR VASQUEZ ESCALANTE, )

Plaintiff, )

v. )

LARRY W. HUFFMAN, ET AL., )

Defendants. )

Civil Action No. 7:10CV00211

**FINAL ORDER ADOPTING REPORT  
AND RECOMMENDATION**

By: Samuel G. Wilson  
United States District Judge

Hector Vasquez Escalante brings this suit pursuant to 42 U.S.C. § 1983, claiming that while incarcerated at Wallens Ridge State Prison the defendants were deliberately indifferent to a basic human need in violation of the Eighth Amendment, by not providing him with adequately nutritious substitutes for foods containing wheat. The defendants filed a motion for summary judgment and the court referred the matter to United States Magistrate Judge Pamela Meade Sargent pursuant to 28 U.S.C. 636(b)(1)(B) for a report and recommendation. The Magistrate recommended that the court grant defendants' motion for summary judgment. Neither party filed objections.

The court has reviewed the Magistrate Judge's report, pertinent portions of the record, and it is **ORDERED** and **ADJUDGED** that the Magistrate Judge's report is **ADOPTED** in its entirety, and defendants' motion for summary judgment is **GRANTED**, and this action is **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send certified copies of this order to the plaintiff and to counsel for the defendants.

ENTER: This August 15<sup>th</sup>, 2011.

  
UNITED STATES DISTRICT JUDGE